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8	Attorneys for Defendant RAMESH "SUNNY" BALWANI		
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10	UNITED STATES DISTRICT COURT		
11	NORTHERN DISTRICT OF CALIFORNIA		
12	SAN JOSE DIVISION		
13			
14	UNITED STATES OF AMERICA,	Case No. 18-CR-00258-EJD	
15	Plaintiff,	DECLARATION OF AMY WALSH RE DEFENDANT RAMESH BALWANI'S	
16	V.	MOTION TO EXCLUDE EVIDENCE AND ARGUMENT THAT	
17	RAMESH "SUNNY" BALWANI,	PHARMACEUTICAL REPORTS WERE ALTERED	
18	Defendant.	WERETRETERED	
19		Judge: Honorable Edward J. Davila	
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DECLARATION OF AMY WALSH

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1. I am counsel for defendant Ramesh "Sunny" Balwani, an attorney admitted to practice *pro hac vice* in the above-captioned matter, and a partner at the law firm of Orrick,

Herrington & Sutcliffe LLP.

I, Amy Walsh, declare as follows:

- 2. On February 17, 2022, counsel for Mr. Balwani and the government met and conferred regarding pretrial matters. The following people attended: Jeffrey Coopersmith, Amy Walsh, Molly McCafferty, as attorneys for Mr. Balwani; and Assistant United States Attorneys Jeffrey Schenk, Robert Leach, and John Bostic.
- 3. During that conference, I asked the government attorneys, among other things, whether the government intended to introduce evidence related to pharmaceutical report logos at Mr. Balwani's trial. The government responded in the affirmative.
- 4. Attached as **Exhibit 1** is a copy of transcript excerpts from the trial of Mr. Balwani's co-defendant Elizabeth Holmes.
- 5. Attached as **Exhibit 2** is a copy of an April 14, 2010, email from Elizabeth Holmes to Alex Jung (Jay Rosan and Sunny Balwani copied) attaching excerpts from GlaxoSmithKline's Metabolic Study Report ("GSK report"), Theranos' Angiogenesis Study Report resulting from its work with Pfizer ("Pfizer report"), and Theranos' Assay Development Report resulting from its work with Schering-Plough ("Schering-Plough report"), and listed as Exhibit 291 on the government's February 17, 2022 exhibit list.
- 6. Attached as **Exhibit 3** is a copy of an October 11, 2008, email from Elizabeth Holmes to Aidan Power and Craig Lipset (Marc Thibonnier copied) attaching the Pfizer report, listed as Exhibit 143 on the government's February 17, 2022, exhibit list.
- 7. Attached as **Exhibit 4** is a copy of an email chain, including a December 3, 2009, email from Gary Frenzel to Constance Cullen, attaching the Schering-Plough report, listed as Exhibit 259 on the government's February 17, 2022, exhibit list.
- 8. Attached as **Exhibit 5** is a copy of a report on Theranos Systems, Bates-stamped Balwani-1529 through Balwani-1532.

1	9. Attached as Exhibit 6 is a copy of an August 12, 2009 email from Elizabeth	
2	Holmes to Sunny Balwani titled "FW: STRICTLY CONFIDENTIAL - Pharmaceutical	
3	documents," Bates-stamped Balwani-1409, redacted to conceal personally identifiable	
4	information.	
5	10. Attached as Exhibit 7 is a copy of a December 15, 2009 email from Elizabeth	
6	Holmes to Thomas Breuer (Sunny Balwani copied) attaching the GSK report, listed as Exhibit	
7	15058 on the January 3, 2022 final admitted exhibit list from the Holmes trial (Dkt. 1324).	
8	11. Attached as Exhibit 8 is a copy of a March 19, 2010 email from Elizabeth Holme	
9	to Bruce Shepard (Sunny Balwani copied) attaching the Schering-Plough report, listed as Exhibi	
10	277 on the government's February 17, 2022 exhibit list.	
11		
12	I declare under penalty of perjury that the foregoing is true and correct.	
13	Executed February 28, 2022 at San Jose, California.	
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15	s/ Amy Walsh	
16	AMY WALSH	
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